

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Patricia Ann Gerald,

Appellant,

VS.

Annemarie Belanger Mathews, Chapter 13
Trustee,

Appellee.

Case No.: 4:23-cv-6219-JD-KDW

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 21.) Appellant Patricia Ann Gerald (“Appellant” or “Gerald”), proceeding *pro se*, filed this action seeking to appeal an October 25, 2023, order granting Appellee Chapter 13 Trustee Annemarie Belanger Mathews’s (“Appellee” or “Mathews”) Motion to Dismiss, and the November 30, 2023, order denying Appellant’s Motion to Reconsider. (DE 1.)

On December 6, 2023, the Court directed Appellant to submit a designation of items to be included in the record on appeal and a statement of issues to be presented by December 27, 2023. (DE 6.) Appellant was warned that the failure to comply with the court's order may subject the case to dismissal. (*Id.*) Appellant's deadline to respond to the Court's December 6 order was extended by the Court until March 5, 2024. (DE 10, DE 16.) Appellant did not file a response.

The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

See In Re. Patricia Ann Gerald, Adversary Proceeding 22-03542-HB (Bankr. D.S.C. Oct. 25, 2023).

The Report was issued on March 15, 2024, recommending the case be dismissed for failure to prosecute. Appellant did not file an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 21) and incorporates it here by reference.

It is, therefore, **ORDERED** that Appellant’s case is dismissed with prejudice for failure to prosecute.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is fluid and cursive, with the last name "Dawson" being more prominent.

Joseph Dawson, III
United States District Judge

Florence, South Carolina
July 8, 2024

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order within thirty (30) days from this date, under Rules 3 and 4 of the Federal Rules of Appellate Procedure.